

**Charter Township of Elmwood
Planning Commission
Regular Meeting
October 19, 2021
7:00 PM
Approved 11/09/2021**

A. Call to Order: Chairman Bechtold called the meeting to order at 7:00 PM.

B. Pledge of Allegiance: The Chair led the Pledge of Allegiance.

C. Roll Call: Present: Chris Mikowski, Doug Roberts, Kendra Luta, Rick Bechtold, Jeff Aprill, Jonah Kuzma, Nate McDonald

D. Limited Public Comment: (01:43) None

E. Agenda Modifications/Approval: MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER LUTA TO APPROVE THE AGENDA WITH MODIFICATION OF REMOVING ITEM J5. MOTION PASSED UNANIMOUSLY.

F. Minutes- September 21, 2021: MOTION BY COMMISSIONER ROBERTS, SECONDED BY COMMISSIONER MCDONALD TO ACCEPT THE MINUTES OF SEPTEMBER 21, 2021 AS PRINTED. MOTION APPROVED UNANIMOUSLY.

G. Consent Calendar: None

H. Declaration of Conflict of Interest: None

I. Old Business: None

J. New Business:

1.) PUBLIC HEARING-ZO 2017-04-14, a zoning ordinance amendment to amend Article 9 to make the extension time between Special Use and Site Plan Reviews consistent, add Section 11.4 to detail revocation, and update section numbers throughout the Ordinance in regards to revocation.

Public hearing opened at 7:04 p.m.

The Chair read the statement to open the public hearings.

Staff noted ZO 2017-04-14 was a housekeeping item to provide for consistency within the Ordinance and permitting processes.

Public comment opened at 7:08 p.m.

No public comment was given.

Public comment closed at 7:09 p.m.

Public hearing closed at 7:09 p.m.

The Commissioners discussed the ZO amendment.

MOTION BY COMMISSIONER LUTA, SECONDED BY COMMISSIONER KUZMA TO RECOMMEND APPROVAL OF ZO 2017-04-14 TO THE TOWNSHIP BOARD AND FORWARD ON TO THE COUNTY. MOTION PASSED 7-0.

2.) PUBLIC HEARING-ZO 2017-04-15, a zoning ordinance amendment to amend Section 5.4 to include a *microbreweries/distilleries and wineries, add language in Section 5/5 include additional standards for microbreweries/distilleries and wineries in the A-R district, and change Section 9.8 so the minimum parcel size of wine tasting rooms is consistent with distilleries.

Public hearing opened at 7:13 p.m.

Staff gave a brief overview of the amendment that was brought forth through discussion with the Planning Commission and previous Zoning Administrator Sara Kopriva.

Public comment opened at 7:14 p.m.

No public comment was given.

Public comment closed at 7:15 p.m.

Public hearing closed at 7:15 p.m.

Commissioner Aprill stated the Ordinance always applied to wineries. He added that microbreweries and distilleries are more of a commercial/industrial venture and questioned if such an industry belonged in the Ag District.

Staff clarified they proposal before the Commission isn't to add microbreweries/distilleries to the table, but to further regulate them by amending the information that is currently in the Ordinance.

Commissioner McDonald questioned the PSP in the Ordinance and asked before they moved forward on wineries, etc. wouldn't they need a site plan review anyway.

The Chair responded that in a site plan review the applicant looks at the existing Ordinance and puts their application in, and then the Planning Commission makes sure the application is thorough and complete.

The Commissioners continued their discussion.

(3:30:30) MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER MCDONALD TO RETURN ZO 2017-04-15 TO THE PLANNER AND BRING BACK NEXT MONTH FOR DISCUSSION. MOTION PASSED UNANIMOUSLY.

3.) SU/SPR #2021-09 Introduction- (33:23) West Shore Marina

Pat Johnson said they added 2 slips to their previous application from 2 years ago and they're back for approval because that permit expired.

Staff encouraged the Planning Commission to view the application as new due to the old permit expiring.

Commissioner Luta questioned the parking lot plans on the opposite side of the street.

Chairman Bechtold questioned the patio for the existing building on the bay side. Staff noted the patio is not a structure as defined by the Zoning Ordinance, but it may expand the nonconforming use. Further, it encroaches on the bay. She noted that the Commission received a letter from the Watershed expressing concerns on the area. Chairman Bechtold read the major concerns from the Watershed email, which included removal of vegetation, wetland fill, and storm water runoff. In regards to parking, he asked if there would be any fishing charters. Pat Johnson said there would be one possible charter fishing boat.

Commissioner Roberts asked their status with MDOT in regards to the crossing. Pat Johnson said they will allow it and will tell them how to design it.

Commissioner Roberts asked in regards to the floating docks if there would be attenuators. Pat Johnson replied there will not be inside the docks, but there would be outside the break wall similar to the ones at Bowers Harbor.

Commissioner Roberts noted the Commission does not have drawings of the club house. Pat Johnson said there won't be a club house; there will be a bath house and office where the existing structure is and referred to the drawings.

Commissioner Mikowski had concerns with the bottom lands lease and whether they had information from the DEQ allowing them to expand from where they are. Pat Johnson submitted a previous approval.

Commissioner Aprill questioned the timing and why they haven't moved forward. Pat Johnson blamed Covid and the fact he bought out the previous partners.

Commissioner McDonald asked what their current time frame was. Pat Johnson responded as soon as they receive a permit from the Township, the DEQ will issue their permit, and if he gets approval from the Township Board and depending on weather, they will dredge through the winter and be open by July 4, 2022.

Staff asked Pat Johnson if EGLE had reviewed dredging; has there been an environmental impact analysis. Pat Johnson replied yes there had been an environmental impact analysis and EGLE has reviewed it and through the design period he's been before them a dozen times. Staff asked if all that information had been submitted to the Planning Commission. Pat Johnson said it had.

Commissioner Mikowski asked about the crane that recently sank in that area and potential contamination. Pat Johnson said that was not on their property. Commissioner Mikowski noted it was in that vicinity. Pat Johnson said they did sample holes. Chairman Bechtold asked if that was in the letter dated March 5, 2019. Pat responded it was.

Commissioner McDonald said it was a long time coming and he knows there are local businesses excited about it and he hopes to see it happen in their time frame.

Staff asked what the status of egress on the Masonic Building property was; whether there was an update from 2019. Pat Johnson responded there was nothing new from what they said previously. Commissioner Kuzma would like to see updated applications and emails.

Chairman Bechtold asked with MDOT redoing that whole corridor, have they been in contact with them to make sure they don't do anything that MDOT would have to tear up. Pat Johnson responded yes, with the crosswalk etc. they tell you how they want it.

Commissioner Roberts asked about waste disposal and recycling and where that would be located. Pat Johnson said it would be at the back area of the hotel for the marina. There will be no dumpster area on the bay side as requested by the previous Zoning Administrator, there will be totes.

Staff noted under the SPR, the applicant needs to provide signage. That was not included in the application and is a requirement.

Commissioner Luta asked if they had a site plan for the bath house building. Staff noted the footprint cannot change. Pat Johnson they have no intention of taking down any exterior walls, only interior.

Commissioner Aprill said Staff did an excellent job of preparing this for them and Pat has a list to get ready for the next round.

4. SU/SPR #2021-08 Introduction-Starfell Savannahs Cattery (Kennel): (1:07:00)

Stacey Dallas, owner of Starfell Savannahs gave an overview of her business stating it is a home-based business breeding exotic felines and exotic hybrids. It is a closed cattery, so there are no visitors. Felines are fed a raw diet so minimal waste is generated. The cat cages have double doors, so they cannot escape. She has a permit to hold native species and her USDA certification is pending as they require actually seeing the animals in the enclosures prior to certification.

The Commissioners asked questions and discussed the application as submitted. The Commission determined that a site plan is still needed.

Stacee will come back with a more detailed site plan and Staff will guide her through the Ordinance.

6. Reminder on next meeting date (11/09/2021): (1:41:55) The Chair reminded the Commissioners of the date change.

K. Comments from the Chair: (1:42:02) The Chair said in respect to the West Shore Marina they did receive communication from Heather Smith, Bay Keeper, raising concern about shoreline impacts, wetland fill, and storm water runoff. He thanked everyone for their excellent questions and good thoughts. He does think they need to spend time looking at the location of the breweries and distilleries.

L. Comments from Planning Commissioners: (1:44:20) None

M. Comments from Staff: Staff relayed information that the Township Board on September 30, 2021 did vote to adopt 2 ordinances. One was a text amendment to the Zoning Ordinance to define short term rentals and the other one was a licensing ordinance. After the Board adopted the ordinances, there was a motion to direct the Planning Commission to remove short term rentals from subdivisions in Greilickville neighborhoods using an overlay district or an amendment to the zoning districts. As the agenda was full, it was not included as a matter. She said that any discussion on this information should wait until a following meeting. Staff then noted that in concurrence with the passage of the Ordinances, they are finalizing a short term rental license application that will be on the website soon.

N. Public Comment: (8:47) No one present, but Sue Jones had submitted a letter.

O. Adjourn: MOTION BY COMMISSIONER APRILL, SECONDED BY COMMISSIONER MCDONALD TO ADJOURN AT 8:48 PM. MOTION PASSED.